

# European Union

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## IV. EXTRADITION

### A. European Union: Convention on Simplified Extradition Procedures

by André Klip<sup>1</sup>

On March 10, 1995, the fifteen Member States of the European Union signed a Convention on simplified extradition procedures between the Member States.<sup>1</sup> This convention is the first concluded under the new intergovernmental structure of the Justice and Home Affairs Pillar of the Treaty of Maastricht, February 7, 1992, on European Union. The objective of the Convention is to facilitate the European Convention on Extradition of December 13, 1957 in cases where the requested person consents to extradition to another Member State of the European Union. Once arrested, the requested person will be informed of the possibility of extradition without court procedures by giving his consent. Article 7 states that the consent is only valid when it was given before a judicial authority. Every Member State is obliged to take the necessary steps to ensure that the consent will be given freely and that the requested person is aware of its consequences.

In combination with the consent to extradition, the requested person may also explicitly waive the protection of the speciality principle (Article 10). Both the consent and the explicit waiver of the protection of the speciality principle are irrevocable (Article 7 paragraph 4). Extradition will take place within 40 days after the consent was given (Articles 10 and 11).

The Convention requires ratification by all fifteen Member States in order to enter into force (Article 16). In its document of ratification a Member State may stipulate that, until the Convention shall be applicable to all Member States, it will apply the Convention in bilateral relations with those other states that wish to do so. The Convention does not stipulate a role for the European Court of Justice. Approval of the European Parliament is not required.

### B. Public Comments by German and British Officials Make Extradition of Leeson to Singapore Likely

Public statements by both German and British officials make the granting of the request by Singapore that Germany extradite Mr. Nick Leeson, the former Barings trader likely.<sup>2</sup>

Britain's Serious Fraud Office has already indicated that Mr. Leeson will more likely be extradited to Singapore because of insufficient evidence with which to charge him in the U.K.

On April 4, 1995, a German foreign ministry official is reported to have said Mr. Leeson's extradition would be based, not on its prison and legal system, but chiefly on the strength of evidence of fraud presented by the Singaporean authorities and whether or not the UK presents an extradition request of its own.

The German authorities do not have to take a formal decision on Mr. Leeson until after the Singaporean

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<sup>1</sup> André Klip is a lecturer of Utrecht University, Netherlands.

<sup>2</sup> See Official Journal of the European Communities Nr.C 78/1 of March 30, 1995.

<sup>3</sup> For background see Jimmy Burns, James Blitz and John Mason, *Human Rights Blow for Leeson Over Extradition*, FIN. TIMES, Apr. 1995, at 9, col. 1.